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Review Conference on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks
New York, 22-26 May 2006

Note verbale dated 31 March 2006 from the Permanent Mission of Iceland to the United Nations addressed to the Secretariat

The Permanent Mission of Iceland to the United Nations presents its compliments to the Secretariat of the United Nations (Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs) and has the honour to refer to the latter's note of June 2005, the report submitted by the Secretary-General in accordance with paragraph 17 of General Assembly resolution 59/25 to assist the Review Conference in implementing its mandate under paragraph 2, article 36, of the United Nations Fish Stocks Agreement, and the fifth round of informal consultations of States parties to the Agreement held at United Nations Headquarters in New York from 20 to 24 March 2006. The Permanent Mission also has the honour to submit updated information on the performance review of the North-East Atlantic Fisheries Commission (see annex) and also has the honour to request that the present letter and its annex be circulated as a document of the Review Conference.

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Annex to the note verbale dated 31 March 2006 from the Permanent Mission of Iceland to the United Nations addressed to the Secretariat

Updated information submitted by Iceland on the performance review of the North-East Atlantic Fisheries Commission

A RFMO performance review of NEAFC
Information prepared by the NEAFC Secretariat

At the 24th Annual Meeting of NEAFC 14-18 November 2005, the NEAFC Commission made the following decision:

"Recalling the importance attached to evaluating the RFMOs, expressed i.e. at the March 2005 meeting of the FAO Fisheries Committee (COFI), the Commission recommends that a performance review of NEAFC is established.

The purpose of such a review is to provide for a systematic check of the performance of the organisation and its consistency with the NEAFC Convention, UNFSA and other relevant international agreements and instruments.

The Working Group on the Future of NEAFC shall develop assessment criteria and procedures for the performance review, including terms of reference for the review, in consultation if appropriate with FAO and other RFMOs. The procedures and terms of reference, together with administrative details, should be submitted to the Contracting Parties for decision by postal vote.

The performance review should aim to be presented to the Annual Meeting in 2006".

The Working Group of the Future of NEAFC met 7-9 February 2006 and developed proposals for assessment criteria and for the composition of a review panel. The proposals are attached to this note. The NEAFC Commission has since adopted the proposal.

The nominations of external members of the panel of six by UNDOALOS, FAO, and DFO, Canada are expected to be in place end of March. This should make it possible to report in time to the 25th Annual Meeting of NEAFC in November 2006.

NEAFC Secretariat
22 March 2006

Proposal by the Working Group on the Future of NEAFC on terms of reference for a NEAFC performance review and composition of the review panel

At the 24th Annual Meeting of NEAFC, it was agreed that a performance review should be conducted, to check the performance of the organization and its consistency with the NEAFC Convention, the United Nations Fish Stocks Agreement (UNFA) and other relevant international instruments.

The review should assess the performance of NEAFC, since the entry into force in 1982 of the NEAFC Convention, against the objectives set out in that Convention.[1]

Consideration should be given to the development in fisheries and ocean management that have taken place since the entry into force of the NEAFC Convention.

The review should give special emphasis to the objective NEAFC set out in the amendments agreed in 2005, to ensure the long-term conservation and optimum utilisation of the fishery resources in the Convention Area, providing sustainable economic, environmental and social benefits.[2]

The review shall be performed on the basis of the criteria specified below, and shall point to achievements and areas, where there is room for improvements.

1	Conservation and management of fisheries resources	Knowledge about the status of marine living resources	Status of major fish stocks in relation to maximum sustainable yield and other relevant biological standards. Trends in status of stocks. Status of species belonging to the same ecosystems as, or are associated with or dependent upon, the major target stocks
		Quality and provision of scientific advice	Extent to which NEAFC receives advice in accordance with Article 14 of the NEAFC Convention and the Memorandum of Understanding between ICES and NEAFC
		Data collection and sharing	Extent to which Contracting Parties, individually or through NEAFC, collect and share, in a timely manner, complete and accurate data concerning fishing activities
		Adoption of conservation and management measures, including measures adopted at Coastal State level	Extent to which NEAFC has adopted measures based on the best scientific evidence available and on the precautionary approach in order to ensure the promotion of the long-term conservation and optimum utilization of the fishery resources Extent to which NEAFC provides sustainable economic, environmental and social benefits Extent to which NEAFC has taken due account of the need to conserve marine biological diversity and minimise harmful impacts of fisheries on living marine resources and marine ecosystems

[1] Article 4 of the 1982 Convention.

[2] At the 2005 Annual Meeting the NEAFC Commission agreed in substance to the London "Declaration" on the Interpretation and Implementation of the Convention on the Future Multilateral Cooperation in North-East Atlantic Fisheries.

		Compatibility of management measures	Extent to which measures have been adopted as set out in Article 7 of UNFA
		Fishing allocations	Extent to which NEAFC successfully allocates fishing opportunities
2	Monitoring, control and enforcement	Flag state duties	Extent to which Contracting Parties are fulfilling the duties as flag states under the NEAFC Scheme, UNFA Article 18 and the 1993 FAO Compliance Agreement.
		Monitoring, surveillance and control activities	Extent to which Contracting Parties implement the relevant parts of the NEAFC Scheme of Control and Enforcement and the non-Contracting Party Scheme
		Port State measures	Extent to which Contracting Parties implement port State obligations under the non-CP Scheme and UNFA Article 23
		Other enforcement-related issues, including follow up on infringements	Extent to which Contracting Parties are following up on infringements to both Schemes and management measures by which they are bound
3	Decision making and dispute settlement procedures		Extent to which NEAFC has established adequate decision-making procedures and mechanisms for solving possible disputes
4	Cooperation	Transparency	Extent to which NEAFC is operating in accordance with the transparency provisions of Article 12 of UNFA
		Participatory rights of newcomers	Extent to which NEAFC is determining participatory rights of new members in accordance with Article 11 of UNFA
		Relationship to cooperating non-Contracting Parties	Extent to which NEAFC grants cooperative non-Contracting Party status in accordance with the non-Contracting Party Scheme
		Relationship to other non-Contracting Parties	Extent of fishing activity by vessels of non-Contracting Parties, which are not cooperating with NEAFC and measures to deter such activity
5	NEAFC in a regional and international context	Cooperation with other RFMO/As	Including cooperation in the network of Regional Fishery Body Secretariats
		Cooperation with other regional organizations	Including the OSPAR Commission for the Protection of the Marine Environment in the North East Atlantic

The review shall be carried out by a performance review panel that consists of the following members:

- The chairman of the Working Group on the Future of NEAFC;
- A fisheries management expert nominated by the Fisheries Department of the UN Food and Agriculture Organisation, FAO;
- The chairman of NEAFC Permanent Committee of Control and Enforcement, PECCOE;
- An international law of the sea expert nominated by UN Division for Oceans Affairs and the Law of the Sea;

- A marine scientist nominated by a scientific institution, based outside the North East Atlantic Area; and
- The Secretary of NEAFC.

The member nominated by FAO shall act as the moderator of the panel.
Secretarial assistance to the panel will be provided by the NEAFC Secretariat.

The panel shall aim at submitting the final report to the 2006 Annual Meeting of the NEAFC Commission.
The Panel will have the possibility - if it so chooses - to make an interim progress report to NEAFC in September 2006.